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SENATE

{ REPORT
{ 106-238

CONVEYANCE OF NATIONAL FOREST LANDS TO ELKO COUNTY, NEVADA, FOR USE AS CEMETERY

MARCH 9, 2000.—Ordered to be printed

Mr. MURKOWSKI, from the Committee on Energy and Natural
Resources, submitted the following

REPORT

[To accompany H.R. 1231]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 1231) to direct the Secretary of Agriculture to convey certain National Forest lands to Elko County, Nevada, for continued use as a cemetery, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

PURPOSE OF THE MEASURE

The purpose of H.R. 1231 is to direct the Secretary of Agriculture to convey two acres of National Forest land to Elko County, Nevada, for continued use as a cemetery.

BACKGROUND AND NEED

Jarbridge is a small town located in Elko County in northern Nevada. It is surrounded by the Humboldt-Toiyabe National Forest. Since the 1900s, the people of Jarbridge have buried their dead in a small parcel of national forest land pursuant to a special use permit. The people of Jarbridge have an opportunity to establish a permanent trust for the maintenance of this historic cemetery. The establishment of the trust is dependent on county ownership of the land.

LEGISLATIVE HISTORY

H.R. 1231 was introduced on March 23, 1999, by Representative Jim Gibbons. On September 21, 1999, the House passed the bill as amended, by voice vote. On October 14, 1999, the Subcommittee on

Forests and Public Land Management held a hearing on a companion bill, S. 1343, introduced by Senator Reid. At the business meeting on February 10, 2000, the Committee on Energy and Natural Resources ordered H.R. 1231 reported favorably without amendment.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on February 10, 2000, by a voice vote of a quorum present recommends that the Senate pass H.R. 1231.

SECTION-BY-SECTION ANALYSIS

Section (1)(a) requires the Secretary of Agriculture to convey without consideration lands described in subsection (b) to Elko County, Nevada.

Subsection (b) describes the parcel, bridge and road to be conveyed. This subsection also requires a survey satisfactory to the Secretary will be paid for by the County.

Subsection (c) authorizes the Secretary to require appropriate terms and conditions that protect the interests of the United States, except that the Secretary may not retain reversionary interests.

COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office (CBO) estimate of the costs of this measure has been requested but was not received at the time the report was filed. The CBO estimate of H.R. 1231 as ordered reported by the House Committee on Resources stated that implementing H.R. 1231 would have no impact on the Federal budget. When the CBO report for the Senate is available, the Chairman will request it to be printed in the Congressional Record for the advice of the Senate.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 1231.

The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 1231, as ordered reported.

EXECUTIVE COMMUNICATIONS

On February 10, 2000 the Committee on Energy and Natural Resources requested legislative reports from the Department of Agriculture and the Office of Management and Budget setting forth agency recommendations on H.R. 1231. These reports had not been received at the time the report on H.R. 1231 was filed. When the reports become available, the Chairman will request that they be

printed in the Congressional Record for the advice of the Senate. The testimony provided by the Forest Service at the Senate Subcommittee hearing follows:

STATEMENT OF SANDRA H. KEY, ASSOCIATE DEPUTY CHIEF,
PROGRAMS AND LEGISLATION, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

S. 1343, which conveys certain National Forest System lands to Elko County, Nevada

We do not object to conveying the lands to Elko County, Nevada included in S. 1343, but oppose this bill because it does not require fair market value compensation. The taxpayers of the United States should receive fair market value for the sale, exchange, or use of their National Forests lands.

We believe that this legislation is unnecessary because the Forest Service can meet its objectives through current statutes that allow the Forest Service to convey this parcel to Elko County for land or cash value. For example, under the Townsite Act, the Secretary of Agriculture may convey, for fair market value, up to 640 acres of land to established communities located adjacent to National Forests in Alaska and in the contiguous western states. Within certain limits, the Sisk Act authorizes the Secretary of Agriculture to exchange up to 80 acres of lands with states, counties, or municipal governments or public school districts for lands or money. Moreover, under the General Exchange Act and Weeks Act, the Secretary of Agriculture can exchange National Forest system lands with State and local governments.

These laws require the Secretary of Agriculture to obtain fair market value for exchanges or sales of National Forest lands. Indeed, the Federal policy backed by a bipartisan coalition in the executive and legislative branches in recent decades has moved toward requiring a fair market value return to the public for the lands conveyed out of Federal ownership. We object to reversing this policy by opening the door to less than fair market value consideration for the disposition of National Forest lands.

The use of this land as a cemetery has been approved through a special-use permit. If Elko County is not willing to pay fair market value for this land, its current and future use of this land could continue to be authorized under the special-use permit authorization.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by H.R. 1231, as ordered reported.